

SENATE EDUCATION COMMITTEE

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2744

House Bill No. 2424*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 34, is amended by adding the following new section:

Section 49-6-3404. (a) In addition to the alternative schools provided for in Section 49-6-3402, each local education agency may enter into a joint memorandum of understanding with the juvenile court serving that area which:

(1) Outlines the responsibilities of the juvenile court concerning the establishment and operation of a juvenile justice alternative education program under this section;

(2) Defines the amount and conditions on payments from the school district to the juvenile court for students of the school district served in the juvenile justice alternative education program;

(3) Identifies those categories of conduct that the school district has defined in its student code of conduct as constituting serious or persistent misbehavior for which a student may be placed in the juvenile justice alternative education program;

(4) Identifies and requires a timely placement and specifies a term of placement for expelled students;

(5) Establishes services for the transitioning of expelled students to the school district prior to the completion of the student's placement in the juvenile justice alternative education program;

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(6) Establishes a plan that provides transportation services for students placed in the juvenile justice alternative education program;

(7) Establishes the circumstances and conditions under which a juvenile may be allowed to remain in the juvenile justice alternative education program;

(8) Establishes a plan to address special education services required by law; and

(9) Provides any other conditions or requirements deemed necessary by the court and the school district.

(b) Each school district shall consider course credit earned by a student while in a juvenile justice alternative education program as credit earned in a district school. Each program shall administer the same proficiency and standardized test administered in public schools, and shall offer a high school equivalency program. The juvenile court or the court's designee, with the parent or guardian of each student, shall regularly review the student's academic progress. In the case of a high school student, the court or the court's designee, with the student's parent or guardian, shall review the student's progress towards meeting high school requirements and shall establish a specific graduation plan for the student. The program is not required to provide a course necessary to fulfill a student's high school graduation requirements other than a course specified by this subsection.

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(c) Academically, the mission of juvenile justice alternative education programs shall be to enable students to perform at grade level.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 34, is amended by adding the following new section:

Section 49-6-3405. Each school district shall submit annually, or as often as the commissioner may direct, information on all children placed in an alternative education program. Such report shall contain information identifying the student, including the student's sex, race, and date of birth, and the specific conduct, as set forth in Section 49-6-3401(a) which caused the student to be placed in the program. That information shall also be furnished to the judge having juvenile jurisdiction in the school district.

SECTION 3. Tennessee Code Annotated, Section 49-6-3401, is amended by adding the following new subsections:

(h)(1) The superintendent of a local education agency is authorized to enter into a memorandum of understanding with the juvenile court serving the area in which the local education agency is located to establish a juvenile justice alternative education program. Such programs shall be designated as "Juvenile Education Academies". The superintendent may transfer or assign to such academy students suspended or expelled for more serious offenses as provided in the memorandum of understanding;

(2) The superintendent may also enter into a memorandum of understanding with the juvenile court to provide juvenile court supervision of students who would be

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subject to suspension or expulsion for offenses specified herein, whether or not such student is suspended or expelled or as a condition of such suspension or expulsion.

SECTION 4. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following new section:

Section 37-1-175. (a) A juvenile court is authorized to enter into a memorandum of understanding with any local education agency located within the jurisdiction of the court to establish and operate a "juvenile justice alternative education program", as specified in Title 49, Chapter 6, Part 34, or to place under the court's supervision students who are suspended or expelled or subject to suspension or expulsion as provided by law.

(b) The juvenile court and/or the local education agency may enter into cooperative agreements or contracts with public or private agencies to provide management and/or professional services.

(c) If the juvenile court and the local education agency have entered into a memorandum of understanding on creation of a juvenile justice alternative education program, the juvenile court may:

(1) If the student is placed on probation order the student to attend the juvenile justice alternative education program in the county in which the student resides from the date of disposition as a condition of probation, unless the child is placed in a post-adjudication treatment facility;

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(2) If the student is placed on deferred prosecution by the court, prosecutor, or probation department, require the student to attend the juvenile justice alternative education program in the county in which the student resides for an indefinite period of time as a condition of the deferred prosecution; and

(3) In determining the conditions of the deferred prosecution or court-ordered probation, consider the length of the school district's expulsion order for the student;

(4) If a student who is ordered to attend a juvenile justice alternative education program moves from one county to another, the juvenile court may request the juvenile justice alternative education program in the county to which the student moves to provide educational services to the student or modify its order as it deems necessary and appropriate under the changed circumstances.

SECTION 5. For purposes of accountability under Title 49, a student enrolled in a juvenile justice alternative education program is reported as if the student were enrolled at the student's assigned school in the student's local education agency, including a special education program. The state board of education, in consultation with local boards of education and juvenile court judges, shall develop and implement a system of accountability consistent with Title 49 to assure that students made progress toward grade level while attending a juvenile justice alternative education program. The board shall adopt rules for the distribution of funds appropriated under this section to

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juvenile courts in counties which establish juvenile justice alternative education programs.

SECTION 6. (a) In accordance with rules adopted by the board of trustees for the Tennessee consolidated retirement system, a certified educator employed by a juvenile court in a juvenile justice alternative education program shall be eligible for membership and participation in the system to the same extent that an employee of a local education agency is eligible. The juvenile court shall make any contribution that otherwise would be the responsibility of the school district if the person were employed by a school district, and the state shall make any contribution to the same extent as if the person were employed by a school district.

(b) In relation to the development and operation of a juvenile justice alternative education program, a juvenile court and a county are immune from liability to the same extent as a school district, and the juvenile court's or county's employees and volunteers are immune from liability to the same extent as a school district's employees and volunteers.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 8. For the purpose of developing and promulgating any necessary rules or regulations, this act shall take effect upon becoming a law, the public welfare

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requiring it. For all other purposes, this act shall take effect July 1, 1998, the public welfare requiring it.

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